

## REMARKS

Claims 6-28 are pending in this application. Claim 12 is amended in accordance with the telephone discussion with the Examiner (Mr. DeSanto) discussed below. Re-examination and reconsideration of the application, as amended, are requested.

Claims 6-9, 12-16, 18, 19 and 22-28 are rejected under 35 U.S.C. §102(e) as being anticipated by Causey, III et al. (USP 6,641,533). Claims 12-14 are rejected under 35 U.S.C. §102(e) as being anticipated by Saltzstein et al. (USP 5,931,791). Claims 6-10 and 12-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tune et al. (USP 5,630,710) in view of Goedeke (5,904,708). Claims 6-28 are further rejected under 35 U.S.C. §103(a) as being unpatentable over Causey, III et al. (USP 6,641,533). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tune et al. (USP 5,630,710) in view of Goedeke (5,904,708) and further in view of Er (USP 6,185,461). Each of these rejections is respectfully traversed.

Applicant expresses appreciation to the Examiner (Mr. DeSanto) for the courtesy of conducting a telephone interview with the undersigned on December 17, 2004. It is believed that an agreement was reached in the telephone interview, that the above-listed rejections would be overcome by the amendment to claim 12 made herein.

In particular, in the last Office Action, the Examiner interpreted the phrase “may be enabled or disabled” (appearing in claim 12) to refer to an option that has the ability to be enabled but does not have to be disabled, because of the term “or” in the quoted phrase. In the telephone discussion with the Examiner, the Examiner further explained that because the option does not have to be disabled (due to the use of the term “or”), no weight was given to the portion of claim 12 reciting that “when disabled the at least one patient programmable option is no longer displayed as an option.”

Accordingly, it was agreed that an amendment to claim 12 (to recite that the “at least one of the patient programmable options may be enabled and disabled at different times ...”) would require the phrase “when disabled the at least one patient programmable option is no longer displayed as an option” to be given effect and patentable weight in the claim. Therefore, claim

12 is amended herein, as agreed during the telephone interview. Also as agreed during the telephone interview, the present rejections of the claims is thereby overcome.

More specifically, claim 12 is directed to a medical system that includes a communication device CD and a medical device MD, “wherein the CD display is controlled to depict a plurality of patient programmable options and wherein at least one of the patient programmable options may be enabled and disabled at different times such that when disabled the at least one patient programmable option is no longer displayed as an option.” None of the prior art of record appears to describe or suggest a medical device as claimed. None of the prior art of record describes or suggests displaying options that may be enabled and disabled at different times and when disabled the option is no longer displayed. This feature can provide significant advantages in that a healthcare provider (or a patient) may set a patient’s medical device by enabling or disabling options. Because disabled options will not be displayed, the patient will be less likely to be confused about available options and less likely to select an unintended or disabled option. By removing disabled options from the display, the display itself becomes more user-friendly. This feature and its benefits are neither disclosed nor suggested by the prior art of record.

In the Office Action, the Tune et al. patent was cited as describing a medical device in which “infusion parameters can be selected, and where the patient can program (28) there own options into the pump,” citing Column 3, lines 29-47 of the Tune et al. patent. (See Final Office Action, page 5, lines 1-3). However, the cited section of the Tune et al. patent does not describe or suggest a medical system which displays options that may be enabled and disabled at different times and where disabled options are no longer displayed. Instead, Tune states:

“A user interface is operatively associated with the processing circuit and includes a user display in the housing for displaying a plurality of parameters associated with the select delivery program. Each displayed parameter is either user changeable or not user changeable. An input for receiving user programmed commands to select and edit any of the parameters associated with the select delivery program is included within the housing. (Tune patent, Column 3, lines 39-47.)

Thus, Tune et al. describe a user interface that displays delivery parameters, some of which may be changeable (e.g., to change the delivery rate of a pump). In this manner a user of Tune et al.'s system may select and edit some of the delivery parameters shown on a display. However, selecting and editing delivery parameters does not teach or suggest a system in which a plurality of options may be depicted, an option is disabled and the disabled option is no longer displayed. Accordingly, it is respectfully submitted that claim 12 is patentably distinguished over the Tune et al. patent.

Furthermore, none of the other prior art references of record appear to address the above-noted distinctions between claim 12 and the Tune et al. patent. Accordingly, the combination of those references with Tune et al. would not lead to the invention as claimed. Furthermore, neither Causey III et al. nor Saltzstein et al. appear to address the above-noted distinctions and, thus also does not appear to describe or suggest the system as claimed. As discussed in the telephone interview, Causey III et al. disclose displayable functions, but does not disclose or suggest a system in which a patient programmable option is depicted, but is no longer displayed, once it has been disabled. Similarly, Saltzstein et al. disclose displayable functions, but does not disclose or suggest a system in which a patient programmable option is depicted, but is no longer displayed, once it has been disabled. Accordingly, it is respectfully submitted that claim 12 is patentably distinguished over Tune et al., Goedeke, Er, Causey, III et al. or Saltzstein et al., alone or in combination.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to

Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Date: December 20, 2004

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